



INTERIOR BOARD OF INDIAN APPEALS

Estate of Little Snake (John Smith)

24 IBIA 153 (08/30/1993)

Denying reconsideration of:

24 IBIA 121 (07/27/1993)



United States Department of the Interior

OFFICE OF HEARINGS AND APPEALS
INTERIOR BOARD OF INDIAN APPEALS
4015 WILSON BOULEVARD
ARLINGTON, VA 22203

ESTATE OF LITTLE SNAKE
(JOHN SMITH)

: Order Denying Reconsideration
:
: Docket No. IBIA 93-13
:
: August 30, 1993

On July 27, 1993, the Board affirmed an order denying reopening in this estate. 24 IBIA 121. Appellant Irene V. Cole Guy now petitions for reconsideration of the Board's decision.

The Board's regulation governing reconsideration provides that "[r]econsideration of a decision by the Board will be granted only in extraordinary circumstances." 43 CFR 4.315(a).

Appellant's petition raises the same arguments that the Board considered in its initial decision. The Board has consistently held that extraordinary circumstances are not present when the petitioner merely repeats the same arguments that were made and considered earlier. E.g., Cole v. Acting Muskogee Area Director, 23 IBIA 295 (1993); Estate of Seymour Senator, 23 IBIA 5 (1992); Hayes v. Acting Anadarko Area Director, 22 IBIA 175 (1992).

As discussed in the Board's earlier decision, appellant's principal shortcoming was her failure to show that she took any steps to advance her claim during the 20-year period between 1970, when she became aware of a possible basis for reopening this estate, and 1990, when her sons began to seek information about the estate from the Bureau of Indian Affairs. In her petition for reconsideration, appellant makes the same broad assertions that she made earlier concerning her "diligence" in this matter. Again, however, she fails to produce any evidence, or even any specific contentions, concerning any actions she took during the years between 1970 and 1990.

Appellant has entirely failed to demonstrate that she has exercised due diligence in pursuit of her claim. Therefore, pursuant to the authority delegated to the Board of Indian Appeals by the Secretary of the Interior, 43 CFR 4.1, her petition for reconsideration is denied.

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Anita Vogt
Administrative Judge

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Kathryn A. Lynn
Chief Administrative Judge